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6 Attorneys for Defendant
NATIONAL RAILROAD PASSENGER CORPORATION
7 D/B/A AMTRAK

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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12

13 KEVIN M. THOMPSON,

14 Plaintiff,

15 v.

16 NATIONAL RAILROAD PASSENGER
17 CORPORATION dba AMTRAK

18 Defendants.
19
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Case No: C 08-03280 CRB

STIPULATION TO CONTINUE
HEARING ON MOTION TO
DISMISS; DECLARATION OF
COUNSEL; ORDER

Local Rule 6-2

21 The undersigned parties, by and through their counsel of record, hereby stipulate pursuant
22 to Local Rule 6-2 that the hearing on the pending motion to dismiss filed by defendant National
23 Railroad Passenger Corporation d/b/a Amtrak, currently set for March 27, 2009, be continued
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1 to April 24, 2009, with the deadlines to file opposition and reply papers corresponding to the new
2 hearing date.

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4 DATED: February ²⁴, 2009

PHILLIPS, ERLEWINE & GIVEN LLP

By: 

R. Scott Erlewine

Attorneys for Defendant National Railroad
Passenger Corporation, d/b/a Amtrak

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10 DATED: February ²⁴, 2009


Daniel Berko

Attorney for Plaintiff Kevin M Thompson

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13 DECLARATION OF COUNSEL

14 R. Scott Erlewine declares:

15 1. I am a partner with Phillips, Erlewine & Given LLP, counsel for defendant
16 National Railroad Passenger Corporation d/b/a Amtrak ("Amtrak") in this case. The matters
17 stated in this declaration are based upon my personal knowledge.

18 2. The court has assigned this case to mediation, which was originally scheduled to
19 occur on February 23, 2009. In order to provide sufficient time for an exchange of informal
20 discovery, the mediation has been rescheduled to March 23, 2009.

21 3. Amtrak has pending a Motion to Dismiss the Sixth Claim For Relief in plaintiff's
22 Second Amended Complaint, which is currently scheduled for hearing on March 27, 2009.

23 4. In order to avoid the time and expense of plaintiff having to respond to Amtrak's
24 pending motion to dismiss prior to the mediation, the parties hereby request that the hearing on
25 the pending motion be continued to April 24, with the deadlines to file opposition and reply
26 papers corresponding to the new hearing date.

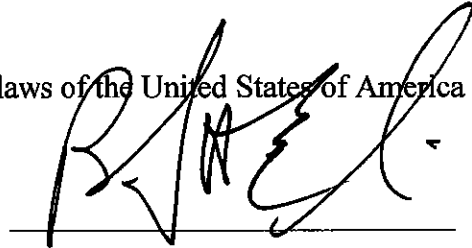
27 5. There has been one prior continuance of the hearing on the pending motion to
28 dismiss, which was made to accommodate the first mediation date. The requested further

1 continuance is to accommodate the re-scheduled mediation date.

2 6. The requested continuance will not affect the scheduling of this case. The court
3 has set this matter for trial on November 2, 2009 and set a further case management conference
4 on April 24, 2009.

5 I declare under penalty of perjury under the laws of the United States of America that the
6 foregoing is true and correct.

7 DATED: February 26, 2009



8 R. SCOTT ERLEWINE

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10 ORDER

11 PURSUANT TO STIPULATION, IT IS SO ORDERED. The hearing on defendant's
12 pending motion to dismiss be and is hereby continued from March 27, 2009 at 10:00 a.m. to
13 April 24, 2009 at 10:00 a.m. The deadlines to file and serve opposition and reply papers shall
14 correspond to the new hearing date.

15 DATED: February 26, 2009

16 UNITED STATES DISTRICT JUDGE

